IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.2375 OF 2004

Meera Shanker. ...Petitioner.
Vs.
SNDT Women's University & Ors. ...Respondents.
....
Mr. M.P. Vashi for the Petitioner.
Mr. R.A. Rodriques for Respondent No.1.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

October 25, 2004.

P.C.:

The Petitioner has obtained a Master's Degree in Psychology and Bachelor's Degree in Psychology, English and Sanskrit. In the M.A. Examination, she secured 58% marks, while in the B.A. Examination, she secured 59.99% marks. The Petitioner has prayed that the Petitioner be called for an interview and her case be considered on merits. In pursuance to the show cause notice issued by this Court, Dr. A.G. Bhalwankar, Registrar (Additional Charge) of SNDT Women's University filed the affidavit. It is mentioned that for the concerned Course, qualifications are regulated by the All India Council for Technical Education being the

Apex Central Regulatory Body. The AICTE has defined 'management' in the broad category of “technical education”. Section 2(g) of the Act reads as under :

> “(g) “technical education” means programmes of education, research and training in engineering technology, architecture, town planning, management, pharmacy and applied arts and crafts and such other programme or areas as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare.”

The Petitioner admittedly secured 58% of marks in M.A. Examination, whereas it is mentioned that minimum qualification for the post of Assistant Professor in Management is, First Class degree at the post graduate level in business management.

The provision of relaxation of 5% marks is not applicable in the instant case. In the affidavit, it is mentioned that the exemption of 5% marks cannot be extended to the posts covered under the prescribed qualificational norms of AICTE, since there is no provision for exemption/relaxation of whatsoever nature granted by the AICTE and, therefore, the respondent-University has no

right to grant such a relaxation, as the AICTE Rules are binding on the Universities throughout the nation. Even otherwise, the Management Council of the University has since adopted the said norms. No relaxation can ever be granted to the said post. In the totality of the facts and circumstances of the case, in our considered opinion, no interference is called for. The petition being devoid of any merit, is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.